

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**In Re: BAIR HUGGER FORCED AIR
WARMING PRODUCTS LIABILITY
LITIGATION**

MDL No. 15-2666 (JNE/DTS)

**DECLARATION OF DAVID J.
SZERLAG IN SUPPORT OF
PLAINTIFFS' RESPONSE
OPPOSING DEFENDANTS'
MOTION FOR ENTRY OF AN
ORDER TO SHOW CAUSE WHY
CASES SHOULD NOT BE
DISMISSED FOR LACK OF
PRODUCT IDENTIFICATION OR
PRODUCT-RELATED INJURY**

Under 28 U.S.C. § 1746, I, David J. Szerlag, hereby declare as follows:

1. I am an attorney of counsel with the law firm Pritzker Hageman, P.A., and Plaintiff Liaison Counsel for the Bair Hugger Forced Air Warming Products Liability Litigation.
2. I submit this declaration in support of Plaintiff's Response Opposing Defendants' Motion for Entry of an Order to Show Cause Why Cases Should Not Be Dismissed for Lack of Product Identification or Product -Related Injury.
3. I am affirming the following facts are true and accurate.
4. In preparing Plaintiff's Response I spoke with or exchanged email communication with a number of attorneys who are counsel for plaintiff's affected by Defendants' Motion to Show Cause.
5. Those firms included Kennedy Hodges, Levin Papantonio, Peterson & Associates, The Miller Firm, Bernstein Leibhard, Brent Coon & Associates, and others. In the course of the communications I was notified that NO answers were entered inaccurately in the PFS' for a number of reasons.
6. The reasons included the following:

- Improper entry of data into portal
- PFS being answered strictly based on plaintiff's personal knowledge
- Concerns over manufacturer's identity where only FAW or Warming Blanket information available in the medical records.

I declare under the penalty of perjury the foregoing is true and correct.

Dated: August 6, 2018

Respectfully submitted,

/s/ David J. Szerlag

David J. Szerlag (MN# 034476X)

Pritzker Hageman, PA

45 S 7th Street, Suite 2950

Minneapolis, MN 55402

Phone: 612-338-0202

Fax: 612-338-0104

david@pritzkerlaw.com